

REMARKS

Applicants' respectfully request reexamination and reconsideration of the application in view of the following remarks.

Applicant's counsel appreciates having the opportunity to discuss the claims and cited prior art references with the Examiner in an interview on September 19, 2002.

Claims 1, 4, 8, 9, 14, and 15 have been amended and new claims 16-50 have been added to the application.

The Examiner has provisionally rejected claims 1-15 under the judicially created doctrine of obviousness-type double patenting over Applicant's co-pending application Serial No. 09/693,366.

Applicant respectfully requests that the Examiner withdraw the rejection for the following reasons. Enclosed herewith is a terminal disclaimer disclaiming any portion of any patent granted on the above-identified application which extends beyond the expiration date of the copending application S.N. 09/693,366. Ashland Inc. is the assignee and 100% owner of both applications.

The Examiner has rejected claims 1-15 under 35 USC §103(a) as being unpatentable over Krampe et al.'s U.S. Patent 6,099,682

Applicant respectfully traverses the rejection and requests that the Examiner withdraw the rejection in view of the following remarks.

Applicants' instant invention utilizes the aqueous

polyurethane dispersion as a film former, or more particularly in at least one preferred embodiment as a foamy film former due to its ability to cure and form a soft/solid film containing numerous cells or bubbles. Contrary to the teachings of the Krampe reference, Applicant does not utilize the aqueous polyurethane dispersion as an adhesive, nor is it desirable to do so.

Applicants' claimed composition does not include a release coating at all as described in the coal seal package of Krampe, but utilizes a release agent which functions based on the physical migration to the interface. The Krampe reference teaches the use of a release coating compound applied to a surface, whereas Applicant's release agent is a chemical substrate dispersed within Applicant's peelable coating composition.

The Examiner has rejected claims 1-8, and 15 under 35 USC §103(a) as being unpatentable over WO 99/10414 by Maxwell.

Applicant respectfully traverses the rejection and requests that the Examiner withdraw the rejection in view of the following remarks.

The Examiner admits that the cited Maxwell reference differs from the claims in that not every modifier or their respective amounts is recited by its disclosure; however, the Examiner alleges that the cited reference includes modifiers in its embodiments and that it would have been obvious to have utilized modifying agents for the purpose of imparting their modifying effect in the preparations of the cited reference in results attributable to the employment of additives including release agents, propellants, dyes, pigment, filler/thickeners, profoamers, defoamers, anti-skimming agents, antioxidants, surfactants, and plasticizers which all have known and studied effects as additives in preparations of the instant application.

Applicant has amended the claims to claim the use of an aqueous polyurethane dispersion resin. The cited reference summarily suggest that numerous combinations could be derived from chemicals commonly used in the industry to produce films; however, the reference neither teaches or claims the use of a propellant with an aqueous polyurethane dispersion as claimed by applicants nor does it specify the chemical combinations of applicant. Furthermore, many of the ingredients in the cited patent utilize tradenames whereby it is difficult to ascertain the active ingredient for they are mixtures sold under particular brand names.

Furthermore, Applicant's claims 1-8 and 15 as amended, claim the use of an aqueous polyurethane rather than the solvent based vinyl toluene acrylate copolymer.

The Examiner has also listed Zhang and Isgure et al. together with several patents made of record and not relied upon which is considered pertinent to Applicant's disclosure. Applicant has reviewed the references and agrees with the Examiner that while pertinent, the references are no more relevant than the cited references.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned **`Version with Markings to Show Changes Made.'**

For all of the foregoing reasons, Applicant submits that the claims are patentable over the cited references and that the application is in condition for allowance. Accordingly, Applicant respectfully requests prompt reconsideration and receipt of the formal Notice of Allowance. A check for the petition fee, statutory disclaimer fee and fees for the addition claims in excess

of twenty is enclosed herewith. Please charge any additional fees due or credit any over payment to Counsel's deposit account 50-0642.

If the Examiner believes there are other unresolved issues in this case, Applicant's attorney would appreciate a telephone call at (502) 452-1233 to discuss any such remaining issues.

Respectfully submitted,



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Serial No. 09/815,874

Version with Markings to Show Changes Made

Please amend claims 1, 4, 8, 9, 14, and 15 as follows:

Claim 1. (Once amended) A peelable foam coating composition, comprising a blend [an effective amount] of:

an aqueous polyurethane dispersion resin in an effective amount of at least 35 percent by weight solids of the total weight percent of the composition; [an aqueous film forming polymeric resin;]

an effective amount of a release agent in an amount of from between 0.1 and 5 percent of the total weight percent of the composition, said release agent being selected from the group consisting of soy lecithin, organosilicone fluids, nonylphenoxy poly-(ethyleneoxy)ethanol, oleic acid polyethylene glycol monostearate, petrolatum, sodium alkyl benzene, sulfonates, siloxanes, polyglycols, silicone surfactants, polyvinyl alcohol resins, paraffin and polymeric waxes, and synthetic waxes including low molecular weight polyethylene waxes, and combinations thereof [a release agent];

an effective amount of said propellant up to 25 percent by weight [a propellant];

[a thickening agent;]

a surfactant or profoamer in an effective amount of up to 1 percent by weight selected from the group consisting of alkanolamides, silicone glycols, alkyl benzene sulfonates, alcohol ethoxylated, phosphate esters, oleates, betaines, alkylphenol ether sulfates, alkylaryl sulfonates, fatty acids, soy lecithin, anionic, cationic, amphoteric, or nonionic surfactants, and combinations thereof.

Claim 4. (Once amended) The peelable coating of Claim 1 including [an antifoam] a profoamer in an effective amount of from 0.01 to 1.0 percent by weight.

Claim 8. (Once amended) The peelable coating of claim 1 including an [effective] additional amount of a carrier for dilution selected from the group consisting of an aqueous carrier, a alcohol solvent carrier, or combination thereof.

Claim 9. (Once amended) A foamy peelable coating composition, comprising a blend of :

an aqueous polyurethane dispersion resin in an effective amount of at least 35 percent by weight solids of the total weight percent of the composition; [an aqueous polyurethane dispersion resin in an effective amount ranging from about 75.0 percent to about 98.0 percent by weight of the total weight percent of the composition;]

an effective amount of a release agent in an amount of from between 0.1 and 5 percent of the total weight percent of the composition, said release agent being selected from the group consisting of soy lecithin, organosilicone fluids, nonylphenoxypoly-(ethyleneoxy)ethanol, oleic acid polyethylene glycol monostearate, petrolatum, sodium alkyl benzene, sulfonates, siloxanes, polyglycols, silicone surfactants, polyvinyl alcohol resins, paraffin and polymeric waxes, and synthetic waxes including low molecular weight polyethylene waxes, and combinations thereof [a release agent in an amount of from between 0.1 and 5.0 percent of the total weight percent of the composition;]

and

a propellant in an amount of [from 5.0] up to 20.0 percent of the total weight percent of the composition.

Claim 14. (Once amended) The peelable coating of claim 9 including an [effective] additional amount of a carrier for dilution selected from the group consisting of an aqueous carrier, a alcohol solvent carrier, or combination thereof.

Claim [9] 15. (Once amended) A blended peelable foam coating composition comprising:

an aqueous polyurethane dispersion resin in an effective amount of at least 35 percent by weight solids of the total weight percent of the composition;

[a vinyl toluene acrylate copolymer resin in an amount of from between 27.0 to 30.0 weight percent;

an aromatic solvent in an amount of from between 12.0 to 15.0;

an aliphatic solvent in an amount of from between 38.0 to 40.0 weight percent;]

a pigment in an amount of up to 10 percent by weight [from between 3.0 to 5.0 weight percent];

a release agent in an amount of from between 0.1 and 5 percent of the total weight percent of the composition, said release agent being selected from the group consisting of soy lecithin, organosilicone fluids, nonylphenoxy poly-(ethyleneoxy)ethanol, oleic acid polyethylene glycol monostearate, petrolatum, sodium alkyl benzene, sulfonates, siloxanes, polyglycols, silicone surfactants, polyvinyl alcohol resins, paraffin and polymeric waxes, and synthetic waxes including low molecular weight polyethylene waxes, and combinations thereof [a release agent in an amount of from between 5.0 to 7.0 weight percent];

a propellant in an effective amount of up to 25 percent selected from the group consisting of air, a carbon dioxide, nitrogen, and a hydrocarbon propellant;

a plasticizer in an amount of up to 20 percent by weight. [from 6.0 to 9.0 weight percent; and

a thickener in an amount of from 0.1 to 2.0 weight percent.]

Please add new claims 16-50 as follows:

Claim 16. (New) A blended peelable coating composition, comprising:

an aqueous polyurethane dispersion resin in an effective amount of at least 35 percent by weight solids of the total weight percent of the composition; and

an effective amount of a release agent in an amount of from between 0.1 and 5 percent of the total weight percent of the composition, said release agent being selected from the group consisting of soy lecithin, organosilicone fluids, nonylphenoxy poly-(ethyleneoxy)ethanol, oleic acid polyethylene glycol monostearate, petrolatum, sodium alkyl benzene, sulfonates, siloxanes, polyglycols, silicone surfactants, polyvinyl alcohol resins, paraffin and polymeric waxes, and synthetic waxes including low molecular weight polyethylene waxes, and combinations thereof.

Claim 17. The peelable composition of claim 16, wherein said aqueous polyurethane dispersion resin contains from 20 to 40 percent by weight solid latex particles and from 60 to 80 percent by weight water.

Claim 18. The peelable composition of claim 16 wherein said aqueous polyurethane dispersion resin contains up to 30 percent by weight solid latex particles.

Claim 19. The peelable composition of claim 16, wherein said effective amount of a release agent is from 0.1 to 5.0 percent by weight.

Claim 20. The peelable composition of claim 16, wherein said release agent is soy lecithin.

Claim 21. The peelable composition of claim 16, wherein said release agent is soy lecithin.

Claim 22. The peelable composition of claim 16, wherein said an effective amount of a said release agent is up to 5.0 percent by weight.

Claim 23. The peelable composition of claim 16 including an effective amount of a propellant.

Claim 24. The peelable composition of claim 23 wherein an effective amount of said propellant up to 25 percent by weight.

Claim 25. The peelable composition of claim 23 wherein an effective amount of said hydrocarbon propellant is from 5.0 to 20.0 percent by weight.

Claim 26. The peelable composition of claim 16 including an effective amount of a solvent selected from the group consisting of water, ethyl alcohol, methyl alcohol, isopropyl alcohol, butyl alcohol, and combinations thereof for diluting said aqueous polyurethane dispersion blend.

Claim 27. The peelable composition of claim 26 wherein said effective amount of said solvent is up to 10 percent by weight in addition to said water of said aqueous polyurethane dispersion.

Claim 28. A foamy peelable coating composition blend, comprising:

an aqueous polyurethane dispersion resin in an effective amount of from 35 to 98 percent by weight solids of the total weight percent of the composition; and

a release agent in an amount of from between 0.1 and 5 percent of the total weight percent of the composition, said release agent being selected from the group consisting of soy lecithin, organosilicone fluids, nonylphenoxy poly-(ethyleneoxy)ethanol, oleic acid polyethylene glycol monostearate, petrolatum, sodium alkyl benzene, sulfonates, siloxanes, polyglycols, silicone surfactants, polyvinyl alcohol resins, paraffin and polymeric waxes, and synthetic waxes including low molecular weight polyethylene waxes, and combinations thereof; and

a propellant in an amount of up to 25.0 percent of the total weight percent of the composition.

Claim 29. The peelable composition of claim 28, wherein said peelable composition contains at least 40 percent by weight solid polyurethane latex resin particles and the remainder water.--

-Claim 30. The peelable composition of claim 28, wherein said peelable composition contains a polyurethane dispersion resin in an amount of from between 60 to 99 percent by weight.--

-Claim 31. The peelable composition of claim 28 wherein an effective amount of said propellant up to 25 percent by weight.--

-Claim 32. The peelable composition of claim 28 wherein an effective amount of said propellant is from 5.0 to 20.0 percent by weight.--

-Claim 33. The peelable composition of claim 28 wherein said propellant is selected from the group consisting of air and a

hydrocarbon propellant.--

-Claim 34. The peelable composition of claim 28 wherein said hydrocarbon propellant is selected from the group consisting of A-31, A-46, A-70, A-108, propane/isobutane blends.--

-Claim 35. The peelable composition of claim 28 including an effective amount of a release agent of up to 10 percent by weight.-

-Claim 36. The peelable composition of claim 28, wherein said effective amount of a release agent is from 0.1 to 5.0 percent by weight.--

-Claim 37. The peelable composition of claim 28, wherein said release agent is soy lecithin.--

-Claim 38. The peelable composition of claim 28, wherein said release agent functions as a profoamer.--

-Claim 39. The peelable composition of claim 28, including an effective amount of a surfactant.--

-Claim 40. The peelable composition of claim 39, wherein said surfactant is selected from the group consisting of alkanolamides, silicone glycols, alkyl benzene sulfonates, alcohol ethoxylated, phosphate esters, betaines, alkylphenol ether sulfates, alkylaryl sulfonates, fatty acids, soy lecithin, and combinations thereof.--

- Claim 41. The peelable composition of claim 39 wherein said effective amount of said surfactant is up to 10 percent by weight.-

-Claim 42. The peelable composition of claim 39, wherein said surfactant is a nonionic surfactant.

-Claim 43. The peelable composition of claim 28 including an effective amount of a solvent.--

-Claim 44. The peelable composition of claim 28 wherein said effective amount of said solvent is up to 10 percent by weight in addition to the water contained in said aqueous polyurethane dispersion.--

-Claim 45. The peelable composition of claim 28 including an effective amount of a polyglycol.--

-Claim 46. The peelable composition of claim 45 wherein said effective amount of a polyglycol is from between 0.1 and 20.0 percent by weight.--

-Claim 47. The peelable composition of claim 45 wherein said polyglycol is polypropylene glycol.

-Claim 48. The method of applying the peelable composition of claim 16 to a substrate forming a film of from 20 to 40 mils in thickness.--

-Claim 49. The method of applying the peelable composition of claim 16 to a substrate forming a film having a thickness of up to 80 mils in thickness.--

-Claim 50. The method of applying the peelable composition of claim 28 to a substrate forming a foam type peelable coating having a thickness ranging from 0.1 to 1.0 inches in thickness.--